

## REMARKS

The Applicants appreciate the thorough examination of the subject application. By this amendment, changes have been made to certain claims as set forth above to overcome the Examiner's rejections and more concisely claim and describe the present invention. Claims 1-15 remain in the application for reconsideration by the Examiner. The Examiner's allowance of all pending claims is earnestly solicited.

Claim 15 has been rejected under Section 101 as directed to non-statutory subject matter. To overcome the rejection the Applicants have deleted the conditional "if/then" language in favor of the phrase, "responsive to," as set forth above in the amended claim. This amendment should overcome the Section 101 rejection.

Claims 1-15 have been rejected under Section 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. The Examiner specifically refers to language in claims 1, 9, 11 and 15.

The Applicants have revised the claims, as set forth above, to delete the referenced language.

Claims 1-15 have been rejected under Section 103(a) as unpatentable over Bhatti et al., "Web Server for Tiered Services."

To further define the invention over the cited art, the Applicants have amended claim 1 as set forth above. In particular, the Applicants have amended the claim to refer to a plurality of processing blocks and first, second and third scheduling algorithms according to which the data is processed. Support for these changes can be found in Figure 3 and the accompanying text beginning at line 27 on page 11 and continuing to line 22 on page 14.

Bhatti discloses distinct performance levels for different classes of server users to maintain a predictable quality-of-service for all users and ensure that higher-priority requests are executed first. Bhatti's connection manager receives all requests for server access, classifies the requests (according to either a user class or a target class) and places the request on the appropriate tier queue. The server then realizes different service levels for each class of requests by selecting the order of execution for each request on a queue. Execution is therefore controlled according to one of the following schemes: strict priority, weighted priority, shared capacity, fixed capacity and earliest deadline first. But Bhatti does not disclose the first and the

second circuit modules and the plurality of processing blocks and their respective functionality as claimed by the Applicants in amended claim 1 above.

Dependent claims 2-7 dependent from independent claim 1 each include features that further distinguish the invention as claimed therein over the art of record. These claims should therefore be in condition for allowance. Claims 2-5 and 7 have been amended as indicated to be consistent with the amendments to claim 1 from which they depend.

Independent claim 9 has been amended as set forth above to overcome the cited art to Bhatti, including reference to a first, second and third scheduling schemes. The remarks presented above regarding the rejection of claim 1 also apply to the rejection of claim 9. It is therefore respectfully submitted that claim 9 is allowable.

Dependent claims 10-12 and 14 dependent from independent claim 9 each include features that further distinguish the invention as claimed therein over the art of record. These claims should therefore be in condition for allowance. Claims 11 and 14 have been amended as indicated to be consistent with the amendments to claim 9 from which they depend.

Claims 8 and 13 have been cancelled by this amendment (claim 16 having been previously cancelled), with the Applicants reserving the right to prosecute these or similar claims in a continuing application. Cancellation of these claims is not to be construed as an admission as to the validity of the rejection or the applicability of the cited art.

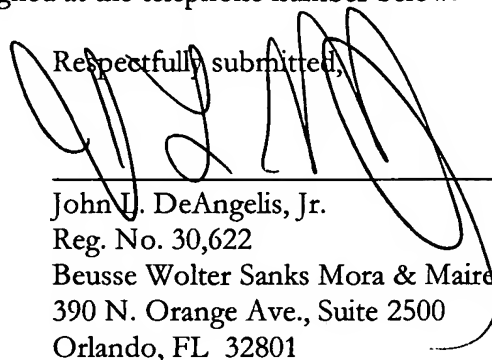
Independent claim 15 has been amended as set forth above to overcome the cited art to Bhatti. Amended claim 15 The remarks presented above regarding the rejection of claim 1 also apply to the rejection of claim 15. It is therefore respectfully submitted that claim 15 is allowable.

The Applicants have responded to all of the rejections of claims in the Office Action and it is believed that the claims 1-7, 9-12, 14 and 15 remaining in the application are now in condition for allowance. In view of the foregoing amendments and discussion, it is respectfully submitted that all of the Examiner's rejections of claims have been overcome. It is respectfully requested that the Examiner reconsider these rejections and objections and issue a Notice of Allowance for all the pending claims.

The Applicant hereby petitions for an extension of time of one month under 37 C.F.R. 1.136. A check in the amount of \$120.00 payable to the Director of the USPTO is enclosed in payment of the extension fee.

If a telephone conference will assist in clarifying or expediting this Amendment, the Examiner is invited to contact the undersigned at the telephone number below.

Respectfully submitted,



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John L. DeAngelis, Jr.  
Reg. No. 30,622  
Beusse Wolter Sanks Mora & Maire, P.A.  
390 N. Orange Ave., Suite 2500  
Orlando, FL 32801  
(407) 926-7710

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Amendment is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3<sup>rd</sup> day of July 2006.



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John L. DeAngelis